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"To Preserve the Scenery of the Falls of Niagara."

THE

NIAGARA FALLS

ASSOCIATION.

"To Preserve the Scenery of the Falls of Niagara."





*The intended Reservation at the Falls
as located by the Commissioners of the
State Reservation at Niagara.*



REPORT

—OF THE—

EXECUTIVE COMMITTEE

—OF—

THE NIAGARA FALLS ASSOCIATION.

JANUARY, 1885.

Privately Printed.

1885.



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The Executive Committee have the honor to submit the following Report, together with the Report of the Treasurer of the Association, which shows a balance on hand of \$1,846.90.

In calling attention to the Report of the Treasurer, the Committee beg to inform the Association that they have again secured the services, as Corresponding Secretary, of the Rev. J. B. Harrison, who did efficient work in the way of canvassing, &c., throughout the State during the winter of 1883. Except for the salary (paid only while actively employed) and traveling expenses of this gentleman, your Association has had no other payments to meet, unless for stationery, printing and postage. The sum of \$3,270 has been received for initiation fees (from 327 members) and \$85 besides in the way of contributions, and the total expenses to date have amounted to \$1,508.10. Several of our original members have died since the formation of the Association, and it is desirable that their places be filled and that the present membership be increased as much as possible.

The movement for the redemption of Niagara may be said to have had its origin in suggestions contained in a message from Governor Robinson, sent to the Legisla-

ture of the State of New York, January 9th, 1879, in which he said :

The civil jurisdiction over the Falls of Niagara, as well as the shores and waters of the Niagara River, is divided between this State and the Province of Ontario, in Canada. But, in one sense, the sublime exhibition of natural power there witnessed is the property of the whole world. It is visited by tourists from all quarters of the globe, and it would seem to be incumbent upon both governments to protect such travelers from improper annoyance on either side. It is, however, well known, and a matter of universal complaint, that the most favorable points of observation around the Falls are appropriated for purposes of private profit, while the shores swarm with sharpers, hucksters and peddlers, who perpetually harass all visitors. In the course of the last summer, in a casual meeting and conversation with Lord Dufferin, then Governor-General of Canada, he suggested the propriety of some steps on the part of the State of New York and the Province of Ontario to remedy these abuses, which he had seen and deeply regretted.

The proper course, if such a plan were deemed advisable, would undoubtedly be the appointment of commissions by both governments, to confer together as to its details. Should such a commission be appointed by the authorities of Ontario, I recommend that you provide for the appointment of a similar one to consider the subject. There can be no doubt that many persons abstain from visiting the Falls in consequence of the annoyances referred to, nor can there be any reasonable doubt that the removal of these objections would largely increase the number of visitors annually.

In conformity with the Governor's message, the Commissioners of the State Survey were instructed by a joint resolution of the Legislature of that year "to inquire, consider and report what, if any, measures it may be expedient for the State to adopt for carrying out the suggestions contained in the annual message of the Governor with respect to Niagara Falls." In pursuance of these objects, the Commissioners instructed Mr. James T. Gardiner, Director of the State Survey, to make an ex-

amination of the premises, and prepare for their consideration such a project as was had in view in the resolution of the Legislature, and they associated with him Mr. Frederick Law Olmstead. These gentlemen were to ascertain "how far the private holding of land about Niagara Falls has worked to public disadvantage through defacements of the scenery; to determine the character of such defacements; to estimate the tendency to greater injury, and, lastly, to consider whether the proposed action by the State is necessary to arrest the process of destruction and restore to the scenery its original character."

The following is from the special report of the New York State Survey on the preservation of the scenery of Niagara Falls, transmitted to the Legislature March 22d, 1880, by Hon. Horatio Seymour, President of the Board—a document of extraordinary interest and value. The report says :

That the scenery of Niagara Falls has been greatly injured ; that the process of injury is continuous and accelerating ; and that, if not arrested, it must in time be utterly destructive of its value.

There is no American soil from which the Falls can be contemplated except at the pleasure of a private owner, and under such conditions as he may choose to impose ; none upon which the most outrageous caprices of taste may not be indulged, or the most offensive interpolations forced upon the landscape.

The Commissioners of the State Survey recommended the extinguishment of the private titles to so much land as shall be regarded as absolutely necessary to the preservation of the essential scenery of Niagara, and that the State should, by purchase, acquire a title to this land, and

hold it in trust for her people forever; that no landscape gardening or ornamentation should be indulged in, but that, at a minimum of expense, natural conditions should, as far as possible, be restored and maintained.

In accordance with the recommendations of the Commissioners of the State Survey, a bill was at this time introduced in the Legislature, passed the Assembly, but failed in the Senate, owing to its being reported only towards the end of the session, when too late to secure favorable action upon it. In 1881, another bill, of a similar character, was introduced, but no effort was made to secure its passage. The matter remained in abeyance during the session of 1882, but late in the same autumn was revived at a private meeting held at the house of Mr. Howard Potter, in New York City, on the evening of December 6th. There was a large attendance and much enthusiasm at this meeting, as it was understood that Governor Cleveland, who had just been elected Governor of the State, was warmly in favor of saving the scenery of the Falls, and would approve of any measure tending to this result. Addresses were made by Messrs. Olmstead, Potter, Dorsheimer, Norton, Harrison and others, and after a full and general expression of opinion, it was determined to make an appeal to the intelligence and public spirit of the citizens of the State in behalf of the idea of the purchase of Goat Island, and the property about the Falls, by the State, and the establishment there of a State Reservation, as the only means of restoring and preserving

the scenery, and of securing this unique and precious possession free to the people of the State and of the civilized world forever. In furtherance of this intention, a committee, consisting of Messrs. J. Hampden Robb, Buchanan Winthrop, James T. Gardiner, J. T. Van Rensselaer and Francis H. Weeks, was appointed, with full powers to proceed in the matter, and make a report at another and a larger meeting to be held the following month.

This second meeting was held at Municipal Hall, 67 Madison Avenue, on the evening of January 11th, 1883, in compliance with the following invitation:

NEW YORK, January 4th, 1883.

DEAR SIR :

You are invited to attend a meeting at Municipal Hall, 67 Madison Avenue, on Thursday evening, January 11th, at eight o'clock, to hear the report of a Committee appointed at a meeting of gentlemen interested in the preservation of Niagara Falls, and which was held on the 6th ulto., at the house of Mr. Howard Potter.

It is proposed at the present meeting to concert measures to promote legislation towards securing for the State of New York and its People this great natural feature.

HOWARD POTTER,
Chairman.

J. HAMPDEN ROBB, FRANCIS H. WEEKS, JAMES T. GARDINER, BUCHANAN WINTHROP J. T. VAN RENSSALAER,	}	<i>Committee.</i>
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Mr. D. Willis James was called to the chair, and introduced the subject of the evening in a brief and felicitous address. The committee appointed at the previous

meeting reported that, in their opinion, the best means "to promote legislation towards securing for the State of New York and its people this great natural feature" (the Falls of Niagara) would be the formation of an association, the object of which shall be "to promote legislative and other measures for the restoration and improvement of the natural scenery at Niagara Falls, in accordance with the proposed plan of the Commissioners of the State Survey, as presented in their special report on the subject, under a concurrent resolution of the Legislature of the State of New York, dated May 19th, 1879;" and they presented the form of a constitution for such an association. The suggestions of the committee were adopted after remarks by several gentlemen, and nearly all present signed their names to the constitution a copy of which is annexed to this report, thus becoming members of the new society. The fee for membership was fixed at ten dollars.

The organization of the Association was completed by the election of the following officers:

President, Howard Potter.

Vice-Presidents, Daniel Huntington, Geo. William Curtis, Cornelius Vanderbilt.

Secretary, Robert Lenox Belknap.

Treasurer, Charles Lanier.

Executive Committee, J. Hampden Robb, Buchanan Winthrop, James T. Gardiner, J. T. Van Rensselaer, Francis H. Weeks.

Corresponding Secretary, J. B. Harrison.

Mr. Robt. W. De Forest has since been added to the members of the Executive Committee.

Accounts of the proceedings appeared in the principal journals of the city next morning, accompanied in nearly every instance by favorable editorial comments.

The Society grew rapidly, though there was very little formal canvassing for members, or for funds.

Gentlemen mentioned the enterprise to their acquaintances at the clubs, at social assemblies, and in their offices and places of business. All the officers and members thus aided cordially and effectively in the formation of the Association, and in commanding its objects to the favorable attention of others, the following invitation being sent out by the association itself after careful preparation :

NEW YORK, January 22, 1883.

DEAR SIR :

You are hereby invited to become a member of the Niagara Falls Association.

The object of this Association is to promote legislation and other measures for the restoration and improvement of the natural scenery of Niagara Falls, in accordance with the proposed plan of the Committee of the State Survey as presented in their Special Report on the subject under a concurrent resolution of the Legislature of the State of New York, dated May 19th, 1879.

It is thought that the Legislature will not fail to recognize the present popular feeling on this subject, and that this great wealthy and intelligent State will no longer allow any obstacle to interfere with the rights of its citizens to the enjoyment of this gift of nature, from which it results that at the present moment there is not one foot of American soil from which a sight of the Falls can be obtained without payment.

To secure success immediate action is necessary, and should you wish to join the Association, please signify your attention at the earliest moment.

HOWARD POTTER,
President.

A bill drawn up by the Executive Committee of the Association was introduced into the Assembly by Hon.

Jacob F. Miller, of this city, on the 30th day of January, 1883. Though the title was the same as the two previous bills, namely, "An Act to authorize the selection, location and appropriation of certain lands in the Village of Niagara Falls for a state reservation, and to preserve the scenery of the Falls of Niagara," yet the bill in several important particulars differed materially from the two others. A copy of the bill as finally passed is annexed to this report.

It provided that the Governor, by and with the consent of the Senate, should appoint five Commissioners, to be called "The Commissioners of the State Reservation at Niagara." The Commissioners were to hold office for five years from and after the passage of the act, and until others were appointed in their places. They were to receive no compensation for their services, but were to be entitled to actual disbursements for their expenses in performing the duties of their office. They were empowered by the terms of the act "to select and locate "such lands in the Village of Niagara Falls and the "County of Niagara and the State of New York as may "in their opinion be proper and necessary to be reserved "for the purpose of preserving the scenery of the Falls "of Niagara, and of restoring the said scenery to its "natural condition," and they were further authorized and directed to take the necessary steps for the condemnation of such lands in accordance with the provisions of the act.

The act requires the Commissioners to report to the

Legislature all their proceedings, and the amounts awarded by the Commissioners of Appraisement, and it provides that if the Legislature fails to make an appropriation to pay the owners of the lands selected within two years after the passage of the act, or on or before April 30th, 1885, all the proceedings which have been taken for acquiring title to said lands shall be void and of no effect, and in that case the owners of the lands are to be reimbursed for any reasonable costs and expenses incurred by them in connection with the proceedings of the Commissioners.

Shortly after the bill was introduced a hearing was had before the Committee of Ways and Means of the Assembly, and eloquent arguments were made in its favor by the Rt. Rev. Bishop Doane, Howard Potter, Esq., Hon. W. A. Dorsheimer, Hon. J. Hampden Robb and others. Nothing was said in opposition except by the representatives of a wood pulp firm doing business at the Falls, who have persistently opposed, from the beginning, every measure and effort tending towards the preservation of the beauties of the great cataract. The result of the argument before the committee was the immediate favorable report of the bill to the House, and its passage on the 14th of March, by a vote of 68 ayes to 39 noes. In the contest to secure its passage your Association is greatly indebted to the efforts of Messrs. Welch, Erastus Brooks, Howe, Haggerty, Roesch, Murphy and others. The first named, the member from Niagara Falls, was most earnest and eloquent in supporting the measure.

The bill then went to the Senate, where another hearing was had before the corresponding committee of that body (the Finance Committee), and addresses were again made in favor of the bill by Messrs. Gardiner, Dorsheimer, Robb and others, members of your Association. A report, however, from this committee was not obtained without considerably delay, as a majority of the committee were opposed to the bill. Finally, however, they were induced to return it to the full Senate, but with an unfavorable report as to the advisability of the measure becoming a law. In the Senate, outside of the Finance Committee, the bill fortunately had many friends, and the report of the committee, on motion of Senator Jacobs, was at once disagreed to, and the bill subsequently ordered to a third reading by a vote of 19 to 10. The members of your Committee, together with Messrs. John Jay and Geo. Wm. Curtis, visited Albany, and were present in the Senate chamber when the debate on the bill took place. The Association also issued at this time an address to the people of the State, a copy of which is added to this report. While the bill was in the Legislature, and in fact at all times, the efforts of the Association have been most cordially assisted by almost the entire press of the State, an indication of how complete the public sentiment is in favor of this great and patriotic project. Your Association is also indebted for cordial aid and assistance to Hugh McLaughlin, Esq., of Brooklyn, Hubert O. Thompson, Esq., of this city, and to many other gentlemen of both parties actively interested in politics. Nu-

merous petitions were sent to the Legislature from all parts of the State, and letters strongly favoring the measure were written by the President of the United States (through his private secretary), by both of the present United States Senators, by the Hon. Roscoe Conkling, John G. Whittier, Oliver Wendell Holmes, Presidents Andrew D. White, Mark Hopkins and Noah Porter, and by many of the most prominent clergymen and laymen throughout the country. On the 18th of April the bill was finally passed, 21 Senators voting for it and 10 against its passage, and on the 30th of April the bill received the Governor's signature and became a law.

In referring to the Senators who assisted in its passage, Senators Ellsworth and Titus, from the western part of the State, Senators Lansing and McArthur, from Albany and Troy, respectively, together with Senators Daly, Thomas, Kiernan, Covert, Fred. Lansing and others, warmly supported the measure at all times, and did much to secure success for it.

As Commissioners of the Reservation, the Governor nominated Messrs. William A. Dorsheimer, Andrew H. Green, J. Hampden Robb, Sherman S. Rogers, and Martin B. Anderson, the nominations being immediately confirmed by the Senate. The Commission organized in Albany on the 29th of May, 1883, by the election of Dr. Anderson as President and Mr. Robb as Treasurer and Secretary. It was also decided at the first meeting, to go as soon as possible to Niagara, and select and locate with-

out further delay the lands necessary to carry out the provisions of the act, and Messrs. Olmstead, Vaux and Gardiner were invited to accompany the Commissioners and give them advice on the subject. On the 9th June the Commissioners and the gentlemen named met at the Falls, and after looking over the ground it was decided to carry out substantially the plan originally suggested in the report of the State Survey, and the reservation was located by the selection of some 118 acres in the immediate vicinity of the Falls, the property taken embracing all of Goat Island and the smaller islands like the Sisters, Bath Island, etc., adjacent to it, Prospect Park from the brink of the cataract to the new Suspension Bridge, and also a strip of land running from Prospect Park to Port Day, bordering the Niagara River, and containing the various unsightly buildings which so mar and deface at the present time the beauty of the natural scenery.. On this occasion Dr. Anderson resigned the Presidency of the Commission, and Governor Dorsheimer was elected in his place. Since the location and selection of the Reservation the Commissioners have proceeded to have the lands thus selected duly condemned, and Messrs. Matthew Hale, Luther R. Marsh and Pascal P. Pratt having been chosen to act as appraisers, these gentlemen devoted much of the past summer to the execution of their duties. Their report was recently made to the State Commissioners, and has now been finally submitted to and confirmed by the Supreme Court. The total of awards is only \$1,433,429.50, whereas claims

amounting in the aggregate to nearly four times that sum were made by several of the large property owners. The conclusion reached by the appraisers is, however, generally regarded at Niagara as just and equitable, and not likely to be changed by an appeal. In accordance with the law, the State Commission are to submit this award to the coming Legislature and ask that body to make the necessary appropriation, which, if secured, will without further delay give Niagara to the people of this State and of the world, and protect the beauties of its scenery forever.

It is an imputation upon the citizens of New York to suppose that prolonged argument and persistent appeal are necessary to win their approval of the proposed rescue of Niagara Falls from destruction as a sublime and unparalleled natural spectacle. Nature has given to the State one of the great wonders of the world. It is a shrine of pilgrimage from every country, and it cannot be contemplated without the most solemn and elevating emotions. If through nature we look up to nature's God, a scene like this is one of the mightiest and most magnificent temples for the worship of the Creator. Shall that temple be desecrated by agencies that we can readily remove? Shall the State, an imperial and enlightened community of five millions of citizens, be indifferent and unequal to the trust committed to it, and by its neglect show to the world that it is unable to comprehend the duty of such a natural trust, and is unworthy of its singular good fortune?

These are questions that the public spirit of New York will answer as it answered fifty years ago the question whether the water-way should be laid from Lake Erie to the Hudson, and a direct commercial avenue be opened from the prairies to Europe, making Western America the granary of the world. The assertion that the work would profit only the counties through which it passed, and would be of no advantage to the State, was lost in the consideration of the truth that a benefit of this kind to a part is an advantage to the whole, and that beside material advantage, the generous local pride which such enterprises nourish, the revelation to the community of its own large, sagacious and comprehensive spirit, are among the most powerful influences which mould the character and greatness of states. Heroic traditions, beneficent institutions, noble monuments and public works, museums, libraries, gardens, parks, not only charm and delight, not only promote physical health and moral recreation, but they stimulate that generous public spirit and devoted patriotism which are the sure bulwark and defense of national well-being.

The proposed Niagara Reservation is especially a work which tests the existence of such a spirit, and which in turn fosters and sustains it. By the proposed plan the immediate vicinity of the Falls will be cleared of every kind of obstruction, and the grounds will be laid out in a simple and seemly manner, providing every condition which is essential for the proper contemplation of the cataract. These grounds, which are indispensable

if Niagara is to be rescued, will pass at once into the possession of the people of the State, and will be forever freely open to them and to all travelers from all the world. The famous cataract will cease to be, what unquestionably it now is, a disgrace to the State, and the stupendous scene will be revealed and perpetuated in all its grandeur.

To this happy result nothing is now wanting but the consent of the people of New York, expressed by the Legislature in the appropriation of the sum necessary to extinguish all private titles to the land and other property immediately adjacent to the cataract. The measure is fortunately of a kind which cannot be complicated with political or partisan considerations. It contemplates a public work with the highest public purpose, that, namely, of fulfilling a trust imposed by nature upon the commonwealth and of promoting a noble State pride. It is the concern of every good citizen of New York, and our Association believes that every such citizen will regard its accomplishment both as his interest and his duty.

J. HAMPDEN ROBB, FRANCIS H. WEEKS, JAMES T. GARDINER, BUCHANAN WINTHROP, J. T. VAN RENSSELAER, ROBT. W. DE FOREST,	<i>Executive Committee.</i>
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NEW YORK, January 9th, 1885.

CHAS. LANIER, TREASURER, in Account with THE NIAGARA FALLS ASSOCIATION.

Cr.

Dr

		1883.
1883.	To Membership (327 Members), \$3,270 00	Feb'y 3. By Salary Cor. Sec'y, \$100 00
	" Sundry Subscriptions, 85 00	" Rubber Stamp, - 1 25
		" 15. " Rev. J. B. Garrison, 196 17
		Expenses Printing, &c.,
		" 20. " Exchange on Buffalo Collection, - 10
		" Traveling Expenses, J. B. Garrison, - 100 00
		March 8. " Salary Cor. Sec'y, - 100 00
		" 30. " Traveling Expenses, J. B. Garrison, - 100 00
		April 19. " Salary Cor. Secretary, -
		March and April, - 200 00
		June 7. " J. Hampden Robb, Ch'n, for Sundry Bills paid, 308 43
		" F. M. Olmstead, do. 30 50
		" F. H. Weeks, do. 41 30
		" Printing Blank Acknowledgments, - 4 50
		Oct. 28. By J. B. Garrison, Printing Circulars, &c., - 125 60
		Dec. 8. " J. B. Garrison, Account Expenses, - 100 00
		" 23. " do. do. 100 00
		" 28. " Account Paper, - 25 Balance, - 1,846 90
		<hr/> \$3,355 00
		<hr/> \$1,846 90
		<hr/> \$3,355 00
1885.		
Jan. 2. To Balance, - - -		NEW YORK, January 2, 1885.
E. and O. E.		CHAS. LANIER, TREASURER.

CHAP. 336 OF THE LAWS OF 1883.

AN ACT to authorize the selection, location and appropriation of certain lands in the Village of Niagara Falls for a State Reservation, and to preserve the scenery of the Falls of Niagara.

PASSED April 30, 1883; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Within ten days after the passage of this act, there shall be appointed by the Governor, by and with the consent of the Senate, five commissioners, all of whom shall be residents of the State of New York, who are hereby appointed and constituted a board of commissioners by the name and style of "The Commissioners of the State Reservation at Niagara." Said commissioners shall hold office for the term of five years from and after the passage of this act, and until others are appointed in their places. No member of said board shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements for his expenses in performing the duties of his office. In case any of the persons so appointed as above will not undertake the office of this commission, or

in case of a vacancy on said board, such vacancy shall be filled by the Governor, and the person so appointed shall hold his office for the term of five years from the date of his appointment and until another shall be appointed in his place.

§ 2. The said board shall have power to select and locate such lands in the Village of Niagara Falls and the County of Niagara and the State of New York as may in their opinion be proper and necessary, to be reserved for the purpose of preserving the scenery of the Falls of Niagara, and of restoring the said scenery to its natural condition. Before any proceedings shall be had or taken for acquiring the title to any of the said lands, the said commissioners shall cause to be made a map of the land, by the State Engineer and Surveyor, which they shall determine to take, which shall be certified by a majority of said commissioners and filed in the office of the Secretary of State and in the office of the Clerk of the County of Niagara.

§ 3. The said commissioners shall hold their first meeting at twelve o'clock noon at the office of the Secretary of State, on such day as shall be named by said Secretary of State, and within thirty days after the passage of this act. The said commissioners shall at said meeting choose a president of said board, who shall be a member thereof, and shall appoint some person to act as the treasurer and secretary of said board. After the filing of the said map as above required, the said commissioners shall publish for twenty successive week-days in the State paper, and

in a newspaper printed and published in the County of Niagara, a notice declaring that the State of New York intends to take and appropriate the lands described by the said maps, and acquire title thereto, and that the said commissioners intend to apply to the Supreme Court, at a Special Term thereof, to be held in the eighth judicial district, for the appointment of three freeholders, residents of the State of New York, to act as commissioners of appraisement, to ascertain and report the just compensation to be paid to the person or persons or corporation owning or having any interest in said property.

§ 4. Upon the day designated in the said notice, or on some other day to be named by the said court, the said court shall hear the application of the said commissioners, and shall appoint three commissioners of appraisement for the purpose aforesaid. And in case any commissioner of appraisement shall decline to serve, the said court may, on application of said Board of Commissioners of the State Reservation at Niagara, upon notice of such vacancy and application, to be published in a newspaper in the County of Niagara for ten successive days, appoint another in his place.

§ 5. The commissioners of appraisement so appointed shall, before they enter upon their duties, take and subscribe an oath, to be administered by some person authorized to administer oaths, faithfully to execute their duties according to the best of their ability. They shall give notice of the time and place of the meeting to view the said property, by publishing the same in a newspaper

printed and published in the County of Niagara, for twelve successive week-days.

§ 6. The commissioners shall together view such property, and shall receive any legal evidence as to the compensation that should be made therefor, and may adjourn from time to time. They shall ascertain and award to the respective owners of the property to be taken, and to all persons and corporations interested therein, such compensation therefor as in their opinion shall be just and proper; and in fixing the amount of such compensation said commissioners shall not make any allowance or deduction on account of any real or supposed benefits which the parties interested may derive from the said State Reservation or improvement for which said lands are to be taken. The report of the said commissioners of appraisement, signed by a majority of said commissioners, shall be filed in the office of the clerk of Niagara County as soon as completed, and said report shall be made and filed within six months from the time of their appointment. Their minutes of testimony taken by them, if any, shall be attached to and filed with their said report and form a part thereof.

§ 7. After the report of the said commissioners of appraisement shall be so filed, the Board of Commissioners of the State Reservation at Niagara shall give notice, by publishing the same in ten successive numbers of some newspaper printed and published in the said County of Niagara, that they will, on a day to be specified in said notice, apply to the said Supreme Court for an order

confirming the said report, and on the day so appointed the said court, upon being furnished with proof of the due publication of said notice as above provided, shall confirm such report, and make an order containing a recital of the substance of the proceedings in the matter of the appraisement, and a description of the real estate appraised, for which compensation is to be made, and shall also direct to whom the money is to be paid.

§ 8. A certified copy of the order so to be made as aforesaid shall be recorded at full length in the office of the Clerk of the County of Niagara, and also in the office of the Secretary of State.

§ 9. Within twenty days after the confirmation of the report of the Commissioners, as provided for in the seventh section of this act, any party may appeal by notice in writing to the other to the Supreme Court from the appraisal and report of the Commissioners. Such appeal shall be heard by the Supreme Court at any general term of the fourth department, on such notice thereof being given according to the rules and practice of said court. On the hearing of such appeal the court may direct a new appraisal before the same or new Commissioners, in its discretion. The second report shall be final and conclusive on all the parties interested. Provided, however, that the State shall not take possession of the said appraised premises until the amount awarded for the same shall have been duly appropriated by act of the Legislature of this State for this purpose.

§ 10. If there should be diverse and conflicting claim-

ants to the money, or to any part of it, to be paid as compensation for the real estate taken for the purpose aforesaid, the court may direct the moneys to be paid into court, and may determine who is entitled to the same, and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts upon which said determination and order are to be made.

§ 11. The said court shall have power at any time to amend any defect or informality in any of the proceedings to acquire title to the said land, as may be necessary, and also to appoint other Commissioners of Appraisement in place of any who should die, or refuse or neglect to serve, or be incapable of serving upon like notice as required by section four of this act in like cases of neglect or refusal to serve.

12. If at any time after an attempt to acquire title by compensation as aforesaid, it should be found that the title attempted to be acquired is defective, the said Board of Commissioners of the State Reservation at Niagara shall proceed anew to acquire or perfect such title in the manner hereinbefore set forth, and as if no appraisement had been made.

§ 13. After the proceedings herein provided for, for the purpose of acquiring title by the State to the said lands, shall have been concluded, the said Board of Commissioners of the State Reservation at Niagara shall report such proceedings, and all other action by them taken, together with the amounts awarded by the

said Commissioners of Appraisement, to the Legislature of this State.

§ 14. It is further provided that in case the Legislature shall fail to make an appropriation to pay the owners for the lands which may be selected and located by the said Commissioners of the State Reservation at Niagara, pursuant to the provisions thereof, within two years after the passage of this act, all the proceedings which may have been taken for acquiring the title to the said lands shall be void and of no effect, but in such case the Comptroller shall pay to the parties whose lands have been condemned in pursuance of the provisions of this act the reasonable costs and expenses incurred by them in such proceedings, the amount of such costs and expenses to be fixed and allowed by the Attorney-General, and to be paid out of any moneys in the treasury not otherwise appropriated.

§ 15. The sum of ten thousand dollars, or so much thereof as may be necessary, payable out of any moneys in the treasury not otherwise appropriated, is hereby appropriated, subject to the audit of the Comptroller, to carry out the provisions of this act, and the same shall be payable by the Comptroller to the said Commissioners of the State Reservation at Niagara.

§ 16. This act shall take effect immediately.

ADDRESS ISSUED BY THE ASSOCIATION.

. TO THE PEOPLE OF THE STATE OF NEW YORK:

The character of the movement for the rescue of Niagara Falls needs only to be generally known to be strongly supported by public sentiment. It contemplates no wrong to private ownership, no loss of water power, no costly system of landscape gardening, no "job" involving patronage and expense. It aims simply to maintain in its own character the most sublime natural spectacle upon the continent, which is the pride of New York; to secure it against practical destruction, and to keep it forever freely accessible to the public. At present not only is the view disfigured by unsightly obstructions of every kind, which are rapidly increasing, but there is no spot upon the American side from which a sight of the Falls can be obtained without payment, and unless action be prompt and decisive, New York will be exposed to the indelible disgrace of having permitted the virtual obliteration of the grandest and most beautiful natural object within its domain.

The public benefit of the proposed Reservation is no more open to dispute than that of public libraries, parks and museums, and of the reasonableness of the plan suggested for its acquisition there can be no question. No money is spent by the State more wisely and economically than that for the maintenace of the State Library and of the State Museum, and the same care can be taken

in regard to the proposed expenditure for Niagara. That such expenditures are often made enormous jobs is no argument against a suitable appropriation for a beneficent public purpose, while it is the strongest of arguments for securing a careful and economical disbursement of the money. In this case the guarantee against jobbery lies first in the character of the promoters of the enterprise, who are its active agents, and second, in the method to be prescribed for its future care and control. In prosecuting the preliminary inquiry, which is all for which the bill now before the Legislature provides, there is no chance for extravagance of any kind, and when the details of the purchase are arranged the conditions can be made so explicit and imperative as to prevent knavery. A great outlay is not necessary. An elaborate and decorative park is neither contemplated nor desired. The first cost, even if it were a million of dollars, would be no more than twenty cents for every inhabitant of the State. The subsequent cost of maintenance would be inconsiderable, and it could be kept within the strictest bounds by entrusting the grounds, on behalf of the State, to a care which should be independent of political and partisan influence. To say that the people of New York cannot prevent the care of a great public property from becoming a mere "job" is to say that popular government in the State has failed.

No sound argument has been offered against the restoration to the State of this sublime natural possession, with which it should never have parted. That the proposed

rescue of Niagara is due to sentiment is undoubtedly true, but it is no less true that the discovery of America, the War of the Revolution, and the maintenance of the Union, were due to sentiment. The love of the beautiful and sublime in nature is, indeed, a sentiment, like patriotism, like religion, and like that which creates the home and the family ; but the *practical* use and value of a public regard for natural beauty and grandeur are attested by the history of every nation. If within the limits of New York stood the noblest temple ever built with hands, the artistic glory of the State, the shrine and bourne of pilgrimage of the whole world, how proudly and gladly would this imperial Commonwealth guard and maintain it from year to year in unwasted freshness ! But a greater and sublimer object than any human temple is entrusted to its intelligent care, and New York would justly lose all title to its lofty name of Imperial if, by sheer indifference and neglect, it should suffer the beauty and the grandeur of a wonder of the world to be destroyed.

For The Niagara Falls Association :

HOWARD POTTER,
President.

DANIEL HUNTINGTON,
GEORGE WM. CURTIS,
CORNELIUS VANDERBILT,
Vice-Presidents.

J. HAMPDEN ROBB,
Chairman Executive Committee.

NEW YORK, March 22d, 1883.

ARTICLES OF ASSOCIATION OF THE NIAGARA FALLS ASSOCIATION.

I.

The name of this society shall be The Niagara Falls Association.

II.

Its object shall be to promote legislative and other measures for the restoration and improvement of the natural scenery at Niagara Falls, in accordance with the proposed plan of the Commissioners of the State Survey, as presented in their special report on the subject, under a concurrent resolution of the Legislature of the State of New York, May 19, 1879.

III.

The officers of this association shall be a president, three vice-presidents, a secretary, corresponding secretary and treasurer.

IV.

The president, secretary and treasurer and five members of the association shall constitute an executive committee, and shall possess all the powers of the association.

V.

The officers and members of the executive committee shall be elected at the first meeting of the association, and shall hold office until their successors are elected.

VI.

No liabilities shall be incurred by the executive committee on behalf of the association in excess of two hundred and fifty dollars beyond funds in the hands of the treasurer.

We, the undersigned, hereby subscribe the foregoing articles of association, and agree to pay the sum of ten dollars to the treasurer thereof for the necessary expenses of the association :

LIST OF
OFFICERS AND MEMBERS
—OF THE—
ASSOCIATION.

~~~~~  
*PRESIDENT.*

HOWARD POTTER, - - - - - 59 WALL STREET, N. Y.

*VICE-PRESIDENTS.*

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CORNELIUS VANDERBILT.

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| Rev. Richard C. Morse     | - | - | - | - | "          |
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